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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO. 1836 OF 2014

Commissioner of Income Tax-2 ..Appellant

Versus

M/s. Photogravurs (India) Pvt.Ltd. ..Respondent

....

Mr. Suresh Kumar for the Appellant.
Mr. Jitendra Singh for the Respondent.

....

CORAM: M. S. SANKLECHA &
A. K. MENON, JJ.
DATE : 23rd MARCH, 2017

P. C.

1. This Appeal under Section 260-A of the Income Tax Act, 1961 (the Act) challenges the order dated 11th April, 2014 passed by the Income Tax Appellate Tribunal (the Tribunal). The impugned order is in respect of Assessment Year 2009-10.

2. The only question urged on behalf of the Revenue by Mr. Suresh Kumar for our consideration is as follows :-

> "*Whether on the facts and in the circumstances of the case and in law, the Tribunal has erred in directing the Assessing Officer to compute the income from house property of the assessee company*

on the basis of municipal ratable value, without appreciating the fact that the A.O. has brought on record that the prevailing market value in the area was much higher ?

2. The impugned Order of the Tribunal dismissed the Revenue's appeal by following its order in respondent=assessee's own case for assessment years 2007-08 dated 27th April, 2011. Mr. Suresh Kumar, learned Counsel for the appellant-revenue very fairly states that the Revenue had preferred an appeal to this Court from the order dted 27th April, 2011 of the Tribunal for the assessment year 2007-08 being ITXA/1472/2012. This Court by an Order dated 14th August, 2014 dismissed the Revenues above appeal being ITXA/1472/2012 as not giving rise to any substantial question of law.

3. In the above view, for the reasons indicated in our order dated 14th August, 2014 passed in ITXA/1472/2012 ***The Commissioner of Income Tax -2 vs. Photogravurs (India) Pvt. Ltd.*** decided on 14th August, 2014, the question as framed does not give rise to any substantial question of law. Thus not entertained.

4. Appeal is dismissed. No order as to costs.

(A. K. MENON, J.) **(M. S. SANKLECHA, J.)**